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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional)
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First named inventor: Randall Fuerst

Application No.: 10/735,451

Art Unit:

Filed: 12/12/2003

Examiner:

Title: Fabrication of Improved Contact Lens Utilizing Polymer Electrospinning

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 685 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on _____.

☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/26/2004 AWONDAF1 00000041 10735451

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To: Commissioner of Patents
A PETITION TO REVIVE

Regarding Application 10/735,451


Filed: 12/12/2003

Inventor: Randall Fuerst et al.

Discussion: Request is hereby made to revive application 10/735,451 which was unintentionally abandoned. The inventors, all pro se applicants, inadvertently made a number of procedural errors which compounded this application for patent.

1. When notice was received regarding missing parts, mailed from the PTO on 03/24/2004, pro se co-inventor Joseph Bango was confused as to what parts were missing. Notice indicated late oath or declaration and after checking file on submission, found that oath/declaration was submitted. Accordingly, notice was mailed to PTO to this effect by regular mail. Applicants did not consider the passage of time without further notice unusual, waiting for first office action.
2. Co-inventor Joseph Bango called the Patent Office on or about 15 September and was informed missing parts was misinterpreted as not parts per se, but missing or incorrect fee. Inventors thought RPA fee was \$ 375 when in fact the fee was increased to \$ 385. Thus, \$ 10 was the missing part and a \$ 65 penalty was imposed.
3. Inventors thought we had 3 month grace period which was shortened to two under new rules. We believe the application is now abandoned although we have not been formally so notified.
4. If abandoned, accordingly, we respectfully request consideration of a petition to revive. In discussing fees with the PTO, we were instructed to include a petition for extension of time in the 4th month (4 months + 2 months = 6 month limit to respond), fee of \$ 765 for small entity, plus petition to revive, small entity fee of \$ 685, plus the original \$ 10 due that was short because the RPA fees changed, and the \$ 65 penalty ... total, \$ 1,525. To insure we haven't missed some other fee we are unaware of, a credit card charge form is attached to cover any shortages. All this because we were \$ 10 short initially when fees were increased!

Respectfully Submitted,



Joseph J. Bango, Jr.
Co-Inventor

22 October 2004